

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

FILED
JUN 18 2018
U.S. COURT OF
FEDERAL CLAIMS

FMS Investment Corp.,

Plaintiff,

V.

THE UNITED STATES,

Defendant.

Case No. XX-XXX

Judge: 18-862 C

NOTICE OF DIRECTLY RELATED CASES

Pursuant to RCFC 40.2 and this Court’s May 29, 2018 Opinion in the below-captioned case, Plaintiff FMS Investment Corp. (“FMS”) states that the following cases previously pending before this Court are directly related to the instant action:

- *FMS Investment Corp. v. United States*, Nos. 18-204 / 206 / 207 / 208 / 211 / 214 / 216 / 220 / 229 / 238 / 239 / 245 / 246 / 248 / 251 / 252 / 261 / 275 / 328 / 498 (consolidated)

Each of these consolidated cases was a bid protest arising out of the U.S. Department of Education's ("ED") award of contracts under Solicitation No. ED-FSA-16-R-0009, which was taken after corrective action. These protests were dismissed as moot upon ED's decision to cancel the Solicitation. This action by FMS challenges ED's arbitrary decision to cancel the Solicitation. Therefore, FMS's protest and the ones identified above are based on the same or similar claims. Each of the above cases was assigned to Judge Wheeler. FMS believes assigning the instant action to Judge Wheeler will conserve judicial resources and promote the efficient administration of justice.

FMS also understands that multiple additional parties will be filing bid protests challenging ED's decision to cancel the solicitation in the near future.

Respectfully submitted,

s/ David R. Johnson
David R. Johnson
VINSON & ELKINS LLP
2200 Pennsylvania Ave. NW
Suite 500 W
Washington, DC 20037
Tel: (202) 639-6500
Fax: (202) 879-8980
Email: drjohnson@velaw.com

Dated: June 18, 2018

*Attorney of Record for FMS
Investment Corp.*